THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8546 OF 2007

Dt: 24.04.2007

Between:

K.Sreedhar Pillai

… Petitioner

and

The State of A.P., and another

… Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8546 OF 2007

ORDER:

The petitioner had a son, by name, Venkat Ram Balaji Santosh. He is said to have been born on 22.12.1986. To that effect, the second respondent herein issued a date of birth certificate. It is urged that by the time the birth certificate was issued, the child was not named, and later on, it became necessary to obtain a certificate, which contains the name of the child. For this purpose, the petitioner filed a representation, dated 10.03.2007, to the second respondent, for issuance of a birth certificate to his son, duly entering her name in it. The second respondent replied through letter, dated 28.03.2007, stating that such a course is not permissible under Section 14 of the Registration of Births and Deaths Act, 1969 (for short 'the Act'). The petitioner assails the same.

The learned counsel for the petitioner submits that there is nothing in the Act, which precludes, or prohibits the registering authority to enter the name of the person in the birth certificate, even at a subsequent stage. He places reliance upon a Judgment of the Gujrat High Court reported in ***DIPIKA ARVINDKUR PANCHOLI vs. STATE OF GUJRAT***[1].

The learned Government Pleader for Medical and Health, on the other hand, submits that the petitioner had not established the identity of the person and in the absence of the same, the second respondent cannot be compelled to enter the name in the birth certificate.

The Act provides for issuance of birth certificate. The certificate in Form No.V provides for entering the name of the person whose date of birth is certified. It is a common practice, particularly, in Indian families that the children are named after performing a ceremony. If the birth certificate is issued before such ceremony, there does not exist an occasion for entering the name. From the Act and the Rules made there under, it is clear that there is no prohibition for entering the name of the person may be after due verification. The Gujrat High

Court took the view that, it is permissible under the Act and Rules to enter the name of a person even after fifteen years, if the identify of the person is not in dispute.

Petitioner contends that to enable his son to prosecute his further studies at abroad and to get VISA, it has become necessary to enter his son's name in the birth certificate.

Having regard to the provisions of the Act and the judgment of the Gujrat High, this Court finds that the second respondent ought to have considered the application of the petitioner and entered the name of his son in the certificate, after satisfying himself as to the identity.

Hence, the writ petition is disposed of, directing the second respondent to consider the application of the petitioner and enter the name of his son in the birth certificate, after satisfying himself that the certificate relates to the person whose name is sought to be entered. For this purpose, it shall be open to the second respondent to insist on further or additional information or material. This action shall be completed within a period of four weeks from the date of receipt of a copy of this order. To avoid further delay and complications, the petitioner shall make a fresh application.

There shall be no order as to costs.

L.NARASIMHA REDDY,J

Dt.24.04.2007

Note:Furnish C.C. in three days.

(B/o)

GJ

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[1] AIR 2003 GUJRAT 102